1945. File No. Fees II Dwr /45

K

Examined.

K Legal DEPARTMENT

C BRANCH

Subject:— Applications for Enhanced Fees from the D.G.P, P.P. and their Assistants, Dharwar District.

File No. Fees II Dwr/45

Std Sectt. Slip 24-B

75.C

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No.

Dharwar August 1944.

To

The Remembrancer of Legal Affairs,

Bombay.

Subject:-Payment of enhanced pleader's fees in L.C.Suit No.452 of 1942 of F.C.Court, Dharwar.

Ref:-G.R.L.D.No.4488 dated 25-6-1943.

Sir,

I have the honour to state that the pleader's fees taxed as per decree in the above suit is only Rs.15/-. It is submitted that documents ranging from the year 1846 upto date had to be studied in this suit, as the history of this case runs from the year 1886. Looking to the complicated nature of the suit and the heavy work involved herein, the taxed fees of Rs.15/- are quite inadequate. Under the circumstances it is requested that sanction for the payment of enhanced pleader's fees of Rs.30/- to me, excluding the taxed fees, may kindly be accorded.

Fees 15/18/- Ded

Your obedient servant,

25/7/1944

Assistant Government Pleader.

Respectfully submitted through the District Judge
or Government Pleader and the District Judge, Dharwar.

No.

Dharwar 19th August 1944.

Forwarded with compliments to the District Judge, Dharwar:-

2. The case appears to be a complicated one and documents from the year 1846 had to be studied. Mr.Malapur has taken great - pains in this suit. Looking to the importance of the case and the work done by him, I should submit that the request of Mr.Malapur is reasonable and the enhanced pleader's fees of Rs.30/- may be sanction--ed.

District Government Pleader.

RT

7505

C 31/8/44

Submitted.

2. This is an application from Mr. S.R.Malapur, Asstt.Govt Pleader, Dharwar, for enhanced fees of Rs. 30/- for having conducted the Civil Suit No. 452 of 1942. He states that the taxed fee of Rs. 15/- is quite inadequate in view of the fact that the documents ranging from the year 1846 upto date had to studied as the history of the case runs from the year 1886. The D.G.P., Dharwar, supports the request of Mr. Malapur.

3. The F.C.Sub-Judge, Hubli, states that the judgment is proof of the fact that the case was a long and complicated one and was argued at great length and with considerable ability by Mr. Malapur. He adds that in fact regular arguments were advanced even at the time of issues and that therefore he has no hesitation in recommending the enhanced fee of Rs. 30/-. The Collector of Dharwar states that in view of the remarks of the trying Court Government may be moved to sanction the enhanced fee of Rs. 30/- to the A.G.P.

4. In view of the unanimous recommendation of the Local Officers enhanced fee of Rs. 30/- may be sanction to the A.G.P., Dharwar, after u.r. to F.D.

20/12

Submitted

21/12

I see no objection. 'A' may be done.

21/12

SAP 21/12

R.L.A

22/12/44

FINANCE DEPARTMENT
File No
23-12-44.
Serial No.

G.O. No. 9058 dt 23-12-44.

P.T.O.

Finance Department (C.Br.).

Legal Deptt. proposes to grant Mr. S.R.Malapur, Asstt. Govt. Pleader, Dharwar, Rs.30/- as enhanced fees for having conducted the civil Suit No.452 of 1942. It may be pointed that the L.D. has not made clear as to whether the amount of Rs.30/- is inclusive or exclusive of the ordinary taxed fees of Rs.15/-, though Mr. Malapur has claimed for Rs.30/- exclusive of the taxed fees. It is presumed that under the L.D. proposal the enhanced fees of Rs.30/- is inclusive of the ordinary taxed fees. If so, it will be a 100% increase over the ordinary fees. In cases of enhanced fees conducted in the sessions, the principles followed are in the * copy of the noting from the L.D. file "fees procedure 43". As the civil suit No.452 of 1942 does not seem to be of extremely complecated and unusual type so as to justify payment of fees exceeding the ordinary rate by 100%, F.D. may not agree to the L.D. proposal. But as according to the principles quoted above, in the majority of cases for enhanced fees, the increase over the ordinary rate is limited to 50%, this Deptt. may on the analogy of the above princi les suggest tnat Mr. Malapur may be given a fee of Rs.22/8/- inclusive of the ordinary taxed fees.

* Fde. see copy w' below

10/1/44

In view of remarks in Trying Comm, F.D. may agree to Rs 30 in case inclusive of taxed fees.

D. S. [illegible]

12/1

W.o.r to the L.D. d. with the papers below.

d 12/1/45

LEG. DEPA. WAT. L
File
Sub No. 438
Branch C 15/1/45

Submitted w.r.t. pp.

Draft memo to the A.G., Bombay is put up for approval.

17/1

A.S. 17/1. dn 18/1

SAT 5 RR 18/1

Re. y.m. return w.c.f. to L.D. with it.

17/1

No. 211.

Dharwar 5th April 1945.

To

The Remembrancer of Legal Affairs,

Bombay.

Subject:- Payment of enhanced fees.

Sir,

I beg to submit that the Alnavar Bank Decoity case, Sessions Case No.66 of 1944, was heard by the Additional Sessions Judge, and has been decided on 19-3-1945; and six of the accused therein have been convicted under section 412 I.P.C.

There were originally 21 accused in this case. Out of them one was too ill when the trial commenced and two days after he succumbed in the Hospital. The number of witnesses in this case was more than seventy. The case had assumed great importance in this part of the country, as it was a daring decoity on a public institution like the Bank and the decoits took away the cash and ornaments of the value of about Rs.27000

The accused were being defended by four pleaders and one of them was Mr.Mandgi, a leading criminal lawyer of the Belgaum Bar.

During the course of the trial most of the important witnesses were found to be tampered with by the other side, and the prosecution had, therefore, an uphill task. It required greater attention and toil than any other case.

Looking to the heavy record and importance of the case, I should submit that an enhanced fee of Rs.50/- per day would be adequate. I would, therefore, request that the Government may be pleased to sanction fees at the above enhanced rate.

A copy of the judgment in respect of this case has been enclosed herewith for favour of perusal.

Your obedient servant,

B Dawad.

Public Prosecutor.

Submitted -
Thro the Addl Sessions Judge
& District Magistrate:
Dharwad

No. 1977

Additional Sessions Court, Dharwar

11th April 1945.
24th

Forwarded with compliments for favourable consideration.

The case was heavy and labourious. It took over three weeks to finish it.

J A Starkey

Additional Sessions Judge

Through the District Magistrate Dharwar.

55/263

Cs No. 5858
18-7-45

Submitted.

Ltr 1-2

This is an application from the D.P.P. Dharwar applying under rule 26 of the L.O. (C. of S.) Rules for enhanced fees at the rate of Rs. 50/- per day for having conducted the Alnavar Bank Dacoity Case, Sessions Case No, 66 of 1944 for 21 days.

2. The P.P. states that the case had assumed great importance as it was a daring decoity on the Bank. There were 21 accused and the number of witnesses in the case was more than 70. The prosecution had an uphil task as most of the important witnesses were found to be tampered with by the other side and it required the P.P's great attention and toil.

3. The D.J. and the D.M. through whom the application is submitted state that the case was heavy and laborious and it took over three weeks to finish it. The D.M. recommends an enhanced fee of Rs. 25/- per day.

4. The recommendation of the D.M. may be accepted and ~~on the basis of~~ as it is within 50 % limit in this case, an enhanced fee at the rate of Rs. 25/- inclusive of the ordinary fee admissible may be sanctioned to the P.P, Dharwar for having conducted the Sessions Case No. 66 of 1944 for 21 days after U.R. to the F.D.

5. The certificate of attendance is at Blank

6. The copy judgment is at slip R.

A.G.R. be may agree to Rs 25/- p.d. as at A 9/8

Secy Revn

FINANCE DEPARTMENT
File No.
8-8-45 F

Ltr to F.D. No. 5865 of 8-8-45.

Finance Department.

The grounds on which enhanced fee is proposed are that the case was heavy and laborious and that it took over 3 weeks to finish it. Applying the criteria of (1) display of marked ability and diligence to conduct a case involving untold complicities of law, but not involving an unwieldy mass of evidence and (2) short duration occupied by the case, it appears that criterion (2) is not satisfied. It is doubtful also if criterion (1) can be satisfied as a heavy and laborious case is not necessarily one involving the features mentioned in the criterion. It is therefore for consideration whether we should agree to the L. D. proposal.

24-8-45

The LD proposal may be accepted

E.W.C.

DSW m/s

non. to L.D.) 25/8/45

.7261
25-8-45

L.D.

Mr. Schuster.

The P.D. having agreed to the proposal necessary order sanctioning enhanced fee to Rs. 5 may now issue as per draft put up for approval.

24/9.

Supdt. 3/9.

A.S.R. 3/9

7 W 8-8

Enhanced fees.
Payment of - to Rao Bahadur B.S. Sawkar, Public Prosecutor, Dharwar.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 6568
Bombay Castle, 6th September 1945.

Letter from Rao Bahadur B.S. Sawkar, Public Prosecutor, Dharwar, No.211, dated the 5th April 1945 - Applying under rule 26 of the Law Officers (Conditions of Service) Rules for enhanced fees for having conducted the sessions case noted in the margin on 21 days in the Court of Sessions, Dharwar.

Sessions Case No.66 of 1944. Emperor vs. Shankar Kallappa Kamatgi & 20 others. Dates:- 12th, 14th, 15th, 16th, 17th 19th, 20th, 21st, 22nd, 23rd, 24th February and 5th, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 14th, & 15th March 1945 -- 21 days.	Memorandum from the Additional Sessions Judge, Dharwar No.1977, dated 11th/24th April 1945. Memorandum from the District Magistrate, Dharwar, No.M.A.G.S.R.670, dated 11th/14th July, 1945.

Resolution:- Payment is sanctioned to Rao Bahadur B.S. Sawkar, Public Prosecutor, Dharwar, of an enhanced fee at the rate of Rs.25/- (Rupees twenty five only) per day for 21 days for having conducted the Sessions Case No.66 of 1944 (Emperor vs. Shankar Kallappa Kamatgi and 20 others) in the Court of Sessions, Dharwar.

2. The fee sanctioned is inclusive of the ordinary fee admissible under the Law Officers (Conditions of Service) Rules, 1939.

Orders issued in consultation with the Finance Department. Notes remain in this Department and can be seen when required.

By order of the Governor of Bombay,

[P.N. MOOS.]
Secretary to Government.

Submitted for signature.
8/9/9

Original
for

To

The Additional Sessions Judge, Dharwar.
The District Magistrate, Dharwar.
The Finance Department.
The Accountant General, Bombay (through the Finance Department).
Rao Bahadur B.S. Sawkar, LL.B., Public Prosecutor, Dharwar (with a copy of the judgment).

A.L.R. 8/9/9

Issued 8/9/9

kul.

Salvieilles affluvoirs
Des prés mais
les prés (Voir Jacq. Dupuis)
8.7/9.11
Cafod 8/9
8.A.S 8/9/5